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PATENT 0 8 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Inventor(s):	Zhimin He et al.		
Serial No.:	09/894,480	Examiner:	A. Castro
Filed:	June 27, 2001	Group Art Unit:	2653
Title:	Flexural Pivot for Rotary Disc Drive Actuator		
Docket:	STL9799		

REPLY BRIEF (37 C.F.R. § 1.193(b)(1))

This Reply Brief is filed in response to the Examiner's Answer mailed January 15, 2004 (hereinafter "Answer").

This Brief is being filed within the time limits prescribed by 37 CFR § 1.193, and is being filed in triplicate.

The Answer raised several new issues as follows:

- (1) Whether the limitation "transverse" is broad enough to describe the relationship between two elements which are merely "not parallel";
- (2) Whether U.S. Patent 6,205,005 to Heath (hereinafter "Heath") inherently discloses coincident pivot axis and actuator center of mass at col. 6, lines 38-50; and
- (3) Whether the Office, having at long last looked to the specification to interpret the means-plus-function language of claim 15, i.e., "means for pivotably coupling the actuator to the base," has properly construed this clause in continuing to reject that claim.

Argument

New Issue (1):

As set forth in the Appeal Brief filed November 4, 2003 (hereinafter "Appeal Brief"), independent claims 1 and 8 recite, among other limitations, "at least two leaves . . . transversely disposed at an angle to one another." The Appeal Brief further stated that Heath's elements 7,21 do not cross one another and therefore cannot reasonably be considered to be transverse to one another. In the Answer, the Office for the first time during the prosecution of this application has asserted that the term "transverse" requires nothing more than that two elements not be parallel to one another. This position is offered without support, and for good reason - there is no support for this position in the present specification, the prior art, nor from any other source. If the Office persists upon maintaining the ground of rejection based upon this questionable definition of the limitation "transverse," some support for clinging to this definition. Otherwise, reversal of the rejection of claims 1 and 8 is respectfully requested.

New Issue (2):

On page 7 of the Answer, the Office points to col. 6, lines 38-50 of Heath for support for the contention that Heath inherently discloses an arrangement in which "the pivot has a center of rotation generally coincident with a center of mass of the actuator" as required by claims 5 and 12. However, this portion of Heath merely refers to the fact that it is preferable that the disclosed springs not exert biasing forces which would hinder performance of the servo controller in moving the actuator arm. Again, Appellant recognizes that the claimed arrangement is desirable; however, the fact remains that it is not disclosed, explicitly or inherently, by Heath. Reversal of the rejection of claims 5 and 12 is respectfully requested.

New Issue (3):

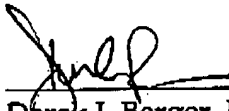
In the Appeal Brief, Appellant pointed out for the third time during prosecution of this application that the Office has a duty to look to the specification in determining the scope of the limitation, "means for pivotably coupling the actuator to the base" in claim 15. It is gratifying that the Office has finally deigned to acknowledge the existence of this duty. On pages 7-8 of the Answer, the Office cites to Part III of the *Supplemental Examination Guidelines for Determining the Applicability of 35 U.S.C. § 112, Par. 6*. The third element of this inquiry asks whether the prior art element is in fact an equivalent of the means-plus-function limitation in the claim. The Office dismisses the third element of the inquiry by asserting that Heath's arrangement performs its function in substantially the same way as the presently disclosed device because Heath is "providing leaves that are transversely disposed." However, as set forth in each response filed to date, and again above in response to *New Issue 1*, Heath leaves are not transverse to one another. Reversal of the rejection of claim 15 is respectfully requested.

Appellant maintains that present claims identify the features and benefits of the present invention clearly and concisely. The present invention as claimed is not taught or suggested by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the appealed claims are in condition for allowance, and reversal of all standing rejections is respectfully requested.

Respectfully submitted,

Seagate Technology LLC
(Assignee of the Entire Interest)

March 8, 2004
Date


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PTO/SB/21 (02-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/894,480	RECEIVED CENTRAL FAX CENTER MAR 08 2004	
	Filing Date	June 27, 2001		
	First Named Inventor	Zhimin He		
	Art Unit	2653		
	Examiner Name	A. Castro		
Total Number of Pages in This Submission	15	Attorney Docket Number	STL9799	OFFICIAL

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Derek J. Berger, Reg. No. 45,401
Signature	Seagate Technology LLC
Date	March 8, 2004

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 330.00**Complete if Known**

Application Number	09/894,480
Filing Date	June 27, 2001
First Named Inventor	Zhimin He
Examiner Name	A. Castro
Art Unit	2653
Attorney Docket No.	STL9799

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
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19-1038

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X			
Multiple Dependent		-3** =		X			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity, Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	1052 50	2052 25	Surcharge - late filing fee or oath	
1053 130	2053 130	1812 2,520	2520	Surcharge - late provisional filing fee or cover sheet	
1812 2,520	2520	1804 920	920	Non-English specification	
1804 920	920	1805 1,840	1,840	For filing a request for ex parte reexamination	
1805 1,840	1,840	1401 330	2401 165	Requesting publication of SIR prior to Examiner action	
1401 330	2401 165	1402 330	2402 165	Requesting publication of SIR after Examiner action	
1402 330	2402 165	1403 290	2403 145	Extension for reply within first month	
1403 290	2403 145	1451 1,510	1510	Extension for reply within second month	
1451 1,510	1510	1452 110	2452 55	Extension for reply within third month	
1452 110	2452 55	1453 1,330	2453 665	Extension for reply within fourth month	
1453 1,330	2453 665	1501 1,330	2501 665	Extension for reply within fifth month	
1501 1,330	2501 665	1502 480	2502 240	Notice of Appeal	
1502 480	2502 240	1503 640	2503 320	Filing brief in support of an appeal	
1503 640	2503 320	1460 130	1460	Request for oral hearing	
1460 130	1460	1807 50	1807	Petition to institute a public use proceeding	
1807 50	1807	1808 180	1808	Petition to revive - unavoidable	
1808 180	1808	8021 40	8021	Petition to revive - unintentional	
8021 40	8021	1809 770	2809 385	Utility issue fee (or reissue)	
1809 770	2809 385	1810 770	2810 385	Design issue fee	
1810 770	2810 385	1801 770	2801 385	Plant issue fee	
1801 770	2801 385	1802 900	1802	Petitions to the Commissioner	
1802 900	1802			Processing fee under 37 CFR 1.17(c)	
				Submission of Information Disclosure Stmt	
				Recording each patent assignment per property (times number of properties)	
				Filing a submission after final rejection (37 CFR 1.129(e))	
				For each additional invention to be examined (37 CFR 1.129(b))	
				Request for Continued Examination (RCE)	
				Request for expedited examination of a design application	

330.00

Other fee (specify)

*Reduced by Basic Filing Fee Paid

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March 8, 2004

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